

### **REMARKS**

Claims 1 and 44 have been amended to clarify the subject matter regarded as the invention. Claims 1 – 44 are pending.

The Examiner has rejected independent claims 1 and 44 under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al in view of Eldering.

The rejection is respectfully traversed. Zigmond discloses using viewer information, the geographical location of a household, and an advertisement selection criterion to select advertisements for display, but does not describe “bid values”. Eldering describes an advertisement auction system in which a content/opportunity provider solicits a bid from an advertiser. The solicitation includes correlation information based on retrieved consumer characteristics associated with viewers at a viewing location (Figure 7 and Col 10, lines 16 – 41), and as such Eldering teaches obtaining “bid values” *after* the characteristics of the viewers at the viewing location have been retrieved. Zigmond and Eldering do not, therefore, describe bid values that “are obtained prior to obtaining an ascertained characteristic of the content observer at the content display site,” as recited in claims 1 and 44, as amended. For convenience and without limitation, support may be found in page 21, lines 4 – 28 and page 24, lines 6 – 33. Claims 1 and 44 are therefore believed to be allowable.

Claims 2 – 43 depend from independent claim 1 and are believed to be allowable for the same reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be

helpful, please contact the undersigned.

Respectfully submitted,

Dated: 10/13/05

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